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ARCADIS U.S., Inc.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

EDGEWOOD PROPERTIES, INC.,

Plaintiff,

v.

J&L MANAGEMENT CORPORATION,  
GOLDER ASSOCIATES, INC., and  
ARCADIS U.S., INC.,

Defendants.

CIVIL ACTION NOS. 06-1278(L), 8-744  
(con) (HAA)(ES)

Electronically filed

ANSWER, AFFIRMATIVE DEFENSES,  
DESIGNATION OF TRIAL COUNSEL,  
CERTIFICATION PURSUANT TO

L.CIV.R. 11.2

Defendant ARCADIS U.S., Inc. (“ARCADIS”) files the present answer under protest and provides notice to Plaintiff, Edgewood Properties, Inc. (“Edgewood”) that its claims against ARCADIS lack any evidentiary support. This matter concerns Edgewood’s improper use of contaminated concrete taken from a former Ford Motor Company (“Ford”) automobile assembly plant located in Edison, New Jersey (the “Edison Site”). ARCADIS was an environmental consultant hired by Ford to investigate and remediate subsurface conditions at the Edison Site that were completely unrelated to the contaminated concrete taken by Edgewood.

Discovery in this action has been ongoing for two years and has included the exchange among all parties of millions of pages of documents and the deposition of numerous witnesses. ARCADIS’s sole involvement with respect to any concrete was to identify the regulatory

requirements applicable to the re-use as fill material of limited amounts of uncontaminated concrete at the Edison Site, if approved in advance by the New Jersey Department of Environmental Protection. ARCADIS had no involvement in the transportation, disposal, testing, sampling, staging, crushing, stockpiling, sale or management of any concrete.

ARCADIS has monitored and participated in the discovery process, even though it has not appeared in this action until now. Edgewood's complaint offers no specific allegations regarding ARCADIS's role in Edgewood's spurious claims. Information obtained during the discovery process has only reinforced ARCADIS's position that there is no factual or legal basis for any liability against ARCADIS. ARCADIS has requested numerous times that Edgewood voluntarily withdraw its complaint, but Edgewood has refused to do so, resulting in legal fees and costs that ARCADIS should not fairly have been required to incur. Consequently,

**ARCADIS HEREBY PUTS EDGEWOOD ON NOTICE THAT IT RESERVES ITS RIGHTS TO RECOVER ITS LEGAL FEES, COSTS AND OTHER DIRECT AND CONSEQUENTIAL DAMAGES UNDER RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE, THE NEW JERSEY FRIVOLOUS CLAIMS STATUTE, AND THE COMMON LAW OF THE STATE OF NEW JERSEY.**

ARCADIS, through its attorneys Beveridge & Diamond, P.C., answers the complaint of Plaintiff Edgewood as follows:

**THE PARTIES**

1. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Complaint.
2. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Complaint.

3. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.

4. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Complaint.

5. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint.

6. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

7. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. Defendant ARCADIS denies the allegations contained in Paragraph 8 of the Complaint.

9. Defendant ARCADIS denies the allegations contained in Paragraph 9 of the Complaint.

10. Defendant ARCADIS denies the allegations contained in Paragraph 10 of the Complaint.

#### **JURISDICTION AND VENUE**

11. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

## **FACTUAL ALLEGATIONS**

14. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint.

18. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 of the Complaint.

19. Defendant ARCADIS makes no response to the allegations contained in Paragraph 19 of the Complaint as said allegations are not directed against it.

20. Defendant ARCADIS makes no response to the allegations contained in Paragraph 20 of the Complaint as said allegations are not directed against it.

21. Defendant ARCADIS makes no response to the allegations contained in Paragraph 21 of the Complaint as said allegations are not directed against it.

22. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Defendant ARCADIS admits allegations contained in Paragraph 23 of the Complaint.

24. Defendant ARCADIS denies the allegations contained in Paragraph 24 of the Complaint.

25. Defendant ARCADIS admits the allegations contained in Paragraph 25 of the Complaint.

26. Defendant ARCADIS makes no response to the allegations contained in Paragraph 26 of the Complaint as said allegations are not directed against it.

27. Defendant ARCADIS makes no response to the allegations contained in Paragraph 27 of the Complaint as said allegations are not directed against it.

28. Defendant ARCADIS makes no response to the allegations contained in Paragraph 28 of the Complaint as said allegations call for a legal conclusion.

29. Defendant ARCADIS makes no response to the allegations contained in Paragraph 29 of the Complaint as said allegations call for a legal conclusion.

30. Defendant ARCADIS is without knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint. ARCADIS denies the allegation in paragraph 30 of the Complaint stating that ARCADIS is “experienced and knowledgeable regarding proper and legal handling, testing and disposal of contaminated materials, including PCB-contaminated concrete” as it calls for a legal conclusion and purports to impute the knowledge of individuals upon ARCADIS.

31. Defendant ARCADIS denies the allegations contained in Paragraph 31 of the Complaint.

32. Defendant ARCADIS makes no response to the allegations contained in Paragraph 32 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

33. Defendant ARCADIS makes no response to the allegations contained in Paragraph 33 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

34. Defendant ARCADIS denies the allegations contained in Paragraph 34 of the Complaint.

35. Defendant ARCADIS denies the allegations contained in Paragraph 35 of the Complaint.

36. Defendant ARCADIS denies the allegations contained in Paragraph 36 of the Complaint insofar as said allegations are directed against it.

37. Defendant ARCADIS denies the allegations contained in Paragraph 37 of the Complaint insofar as said allegations are directed against it.

38. Defendant ARCADIS denies the allegations contained in Paragraph 38 of the Complaint insofar as said allegations are directed against it.

39. Defendant ARCADIS denies the allegations contained in Paragraph 39 of the Complaint.

40. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint.

43. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. Defendant ARCADIS denies the allegations contained in Paragraph 46 of the Complaint.

47. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. Defendant ARCADIS denies the allegations contained in Paragraph 48 of the Complaint insofar as said allegations are directed against it.

49. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. Defendant ARCADIS denies the allegations contained in Paragraph 52 of the Complaint.

53. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Defendant ARCADIS denies the allegations contained in Paragraph 55 of the Complaint insofar as said allegations are directed against it.

56. Defendant ARCADIS denies the allegations contained in Paragraph 56 of the Complaint insofar as said allegations are directed against it.

57. Defendant ARCADIS denies the allegations contained in Paragraph 57 of the Complaint insofar as said allegations are directed against it.

58. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint.

60. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint.

61. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint.

62. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint.

63. Defendant ARCADIS makes no response to the allegations contained in Paragraph 63 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

64. Defendant ARCADIS makes no response to the allegations contained in Paragraph 64 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

65. Defendant ARCADIS denies the allegations contained in Paragraph 65 of the Complaint insofar as said allegations are directed against it.

66. Defendant ARCADIS denies the allegations contained in Paragraph 66 of the Complaint insofar as said allegations are directed against it.

67. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint.

68. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint.

69. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint.

70. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint.

71. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint.

72. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint.

73. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint.

74. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of the Complaint.

75. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the Complaint.

76. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint.

77. Defendant ARCADIS makes no response to the allegations contained in Paragraph 77 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

78. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of the Complaint.

79. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of the Complaint.

80. Defendant ARCADIS makes no response to the allegations contained in Paragraph 80 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

81. Defendant ARCADIS makes no response to the allegations contained in Paragraph 81 of the Complaint to the extent said allegations are not directed against it, and denies the remaining allegations contained in Paragraph 81 of the Complaint.

82. Defendant ARCADIS makes no response to the allegations contained in Paragraph 82 of the Complaint as said allegations are not directed against it and denies the allegations directed against ARCADIS.

83. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of the Complaint.

84. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint.

85. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of the Complaint.

86. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 of the Complaint.

87. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 of the Complaint.

88. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 of the Complaint.

89. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 of the Complaint.

90. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90 of the Complaint.

91. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of the Complaint.

92. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the Complaint.

93. Defendant ARCADIS denies the allegations contained in Paragraph 93 of the Complaint insofar as said allegations are directed against it.

94. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Complaint.

95. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 95 of the Complaint.

96. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 96 of the Complaint.

97. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 97 of the Complaint.

**COUNT I**

**NEW JERSEY SPILL ACT**

98. Defendant ARCADIS repeats and realleges its responses to the allegations contained in Paragraph 98 of the Complaint as if the same were set forth at length herein.

99. Defendant ARCADIS admits the allegations contained in Paragraph 99 of the Complaint.

100. Defendant ARCADIS admits the allegations contained in Paragraph 100 of the Complaint.

101. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the Complaint.

102. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of the Complaint.

103. Defendant ARCADIS denies the allegations contained in Paragraph 103 of the Complaint insofar as said allegations are directed against it.

104. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the Complaint.

105. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of the Complaint.

106. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of the Complaint.

107. Defendant ARCADIS denies the allegations contained in Paragraph 107 of the Complaint insofar as said allegations are directed against it.

108. Defendant ARCADIS denies the allegations contained in Paragraph 108 of the Complaint insofar as said allegations are directed against it.

109. Defendant ARCADIS denies the allegations contained in Paragraph 109 of the Complaint insofar as said allegations are directed against it.

**COUNT II**

**CERCLA COST RECOVERY**

110. Defendant ARCADIS repeats and realleges its responses to the allegations contained in Paragraphs 1 through 109 of the Complaint as if the same were set forth at length herein.

111. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 of the Complaint.

112. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the Complaint.

113. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint.

114. Defendant ARCADIS denies the allegations contained in Paragraph 114 of the Complaint insofar as said allegations are directed against it.

115. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 of the Complaint.

116. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116 of the Complaint.

117. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 117 of the Complaint.

118. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 of the Complaint.

119. Defendant ARCADIS denies the allegations contained in Paragraph 119 of the Complaint insofar as said allegations are directed against it.

120. Defendant ARCADIS denies the allegations contained in Paragraph 120 of the Complaint.

### **COUNT III**

#### **COMMON LAW STRICT LIABILITY**

121. ARCADIS repeats its responses to the allegations contained in Paragraphs One through One-Hundred and Twenty of the Complaint and incorporates them herein as if set forth in their entirety. ARCADIS further answers that this claim has been dismissed pursuant to the Order of Judge Harold A. Ackerman in the above-captioned action dated January 27, 2009, and, therefore, no response to the allegations pertaining to the Third Count (Common Law Strict Liability) is required. To the extent a response is required, ARCADIS denies all such allegations.

122. *See Paragraph 121, supra.*

123. *See Paragraph 121, supra.*

124. *See Paragraph 121, supra.*

125. *See Paragraph 121, supra.*

**COUNT IV**

**NEGLIGENT MISREPRESENTATION**

126. Defendant ARCADIS repeats and realleges its responses to the allegations contained in Paragraphs 1 through 125 of the Complaint as if the same were set forth at length herein.

127. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 of the Complaint.

128. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 of the Complaint.

129. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 of the Complaint.

130. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 of the Complaint.

131. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 131 of the Complaint.

132. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 of the Complaint.

133. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 of the Complaint.

134. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 of the Complaint.

135. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 of the Complaint.

136. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 of the Complaint.

137. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 137 of the Complaint.

138. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 138 of the Complaint.

**COUNT V**

**NEGLIGENCE**

139. Defendant ARCADIS repeats and realleges its responses to the allegations contained in Paragraphs 1 through 138 of the Complaint as if the same were set forth at length therein.

140. Defendant ARCADIS denies the allegations contained in Paragraph 140 of the Complaint insofar as said allegations are directed against it.

141. Defendant ARCADIS denies the allegations contained in Paragraph 141 of the Complaint insofar as said allegations are directed against it.

142. Defendant ARCADIS denies the allegations contained in Paragraph 142 of the Complaint insofar as said allegations are directed against it.

**COUNT VI**

**CIVIL CONSPIRACY**

143. Defendant ARCADIS repeats and realleges its responses to the allegations contained in Paragraphs 1 through 142 of the Complaint as if the same were set forth at length herein.

144. Defendant ARCADIS denies the allegations contained in Paragraph 144 of the Complaint insofar as said allegations are directed against it.

145. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of the Complaint.

146. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of the Complaint.

147. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 of the Complaint.

148. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 148 of the Complaint.

149. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 149 of the Complaint.

150. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 150 of the Complaint.

151. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 151 of the Complaint.

152. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 152 of the Complaint.

153. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 153 of the Complaint.

154. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 154 of the Complaint.

155. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 155 of the Complaint.

156. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 156 of the Complaint.

157. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 157 of the Complaint.

158. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 158 of the Complaint.

159. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 159 of the Complaint.

160. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 160 of the Complaint.

161. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 161 of the Complaint.

162. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 162 of the Complaint.

163. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 163 of the Complaint.

164. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 164 of the Complaint.

165. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 165 of the Complaint.

166. Defendant ARCADIS denies the allegations contained in Paragraph 166 of the Complaint insofar as said allegations are directed against it.

167. Defendant ARCADIS denies the allegations contained in Paragraph 167 of the Complaint insofar as said allegations are directed against it.

168. Defendant ARCADIS denies the allegations contained in Paragraph 168 of the Complaint insofar as said allegations are directed against it.

169. Defendant ARCADIS denies the allegations contained in Paragraph 169 of the Complaint insofar as said allegations are directed against it.

170. Defendant ARCADIS denies the allegations contained in Paragraph 170 of the Complaint insofar as said allegations are directed against it.

**COUNT VII**

**NEW JERSEY RICO STATUTE**

171. Defendant ARCADIS repeats and realleges its responses to the allegations contained in Paragraphs 1 through 170 of the Complaint as if the same were set forth at length herein.

172. Defendant ARCADIS denies the allegations contained in Paragraph 172 of the Complaint insofar as said allegations are directed against it.

**A. THE ENTERPRISE.**

173. Defendant ARCADIS denies the allegations contained in Paragraph 173 of the Complaint insofar as said allegations are directed against it.

174. Defendant ARCADIS denies the allegations contained in Paragraph 174 of the Complaint insofar as said allegations are directed against it.

175. Defendant ARCADIS denies the allegations contained in Paragraph 175 of the Complaint insofar as said allegations are directed against it.

176. Defendant ARCADIS denies the allegations contained in Paragraph 176 of the Complaint insofar as said allegations are directed against it.

177. Defendant ARCADIS denies the allegations contained in Paragraph 177 of the Complaint insofar as said allegations are directed against it.

178. Defendant ARCADIS denies the allegations contained in Paragraph 178 of the Complaint insofar as said allegations are directed against it.

179. Defendant ARCADIS denies the allegations contained in Paragraph 179 of the Complaint insofar as said allegations are directed against it.

180. Defendant ARCADIS makes no response to the allegations contained in Paragraph 180 of the Complaint as said allegations are not directed against it.

181. Defendant ARCADIS makes no response to the allegations contained in Paragraph 181 of the Complaint as said allegations are not directed against it.

182. Defendant ARCADIS makes no response to the allegations contained in Paragraph 182 of the Complaint as said allegations are not directed against it.

183. Defendant ARCADIS makes no response to the allegations contained in Paragraph 183 of the Complaint as said allegations are not directed against it.

184. Defendant ARCADIS makes no response to the allegations contained in Paragraph 184 of the Complaint as said allegations are not directed against it.

185. Defendant ARCADIS denies the allegations contained in Paragraph 185 of the Complaint insofar as said allegations are directed against it.

186. Defendant ARCADIS denies the allegations contained in Paragraph 186 of the Complaint insofar as said allegations are directed against it.

187. Defendant ARCADIS denies the allegations contained in Paragraph 187 of the Complaint insofar as said allegations are directed against it.

188. Defendant ARCADIS denies the allegations contained in Paragraph 188 of the Complaint insofar as said allegations are directed against it.

**B. THE PURPOSE OF THE ENTERPRISE.**

189. Defendant ARCADIS denies the allegations contained in Paragraph 189 of the Complaint insofar as said allegations are directed against it.

190. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 190 of the Complaint.

191. Defendant ARCADIS makes no response to the allegations contained in Paragraph 191 of the Complaint as said allegations are not directed against it.

192. Defendant ARCADIS makes no response to the allegations contained in Paragraph 192 of the Complaint as said allegations are not directed against it.

193. Defendant ARCADIS denies the allegations contained in Paragraph 193 of the Complaint insofar as said allegations are directed against it.

194. Defendant ARCADIS denies the allegations contained in Paragraph 194 of the Complaint insofar as said allegations are directed against it.

**C. THE PATTERN OF RACKETEERING ACTIVITY.**

195. Defendant ARCADIS denies the allegations contained in Paragraph 195 of the Complaint insofar as said allegations are directed against it.

196. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 196 of the Complaint.

197. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 197 of the Complaint.

198. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 198 of the Complaint.

199. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 199 of the Complaint.

200. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 200 of the Complaint.

201. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 201 of the Complaint.

202. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 202 of the Complaint.

203. Defendant ARCADIS makes no response to the allegations contained in Paragraph 203 of the Complaint as said allegations are not directed against it.

204. Defendant ARCADIS denies the allegations contained in Paragraph 204 of the Complaint insofar as said allegations are directed against it.

205. Defendant ARCADIS denies the allegations contained in Paragraph 205 of the Complaint insofar as said allegations are directed against it.

206. Defendant ARCADIS denies the allegations contained in Paragraph 206 of the Complaint insofar as said allegations are directed against it.

207. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 207 of the Complaint.

208. Defendant ARCADIS makes no response to the allegations contained in Paragraph 208 of the Complaint as said allegations are not directed against it.

209. Defendant ARCADIS denies the allegations contained in Paragraph 209 of the Complaint.

210. Defendant ARCADIS denies the allegations contained in Paragraph 210 of the Complaint insofar as said allegations are directed against it.

211. Defendant ARCADIS denies the allegations contained in Paragraph 211 of the Complaint insofar as said allegations are directed against it.

**D. THE INTENTIONAL NATURE OF THE PATTERN OF RACKETEERING ACTIVITY.**

212. Defendant ARCADIS denies the allegations contained in Paragraph 212 of the Complaint insofar as said allegations are directed against it.

213. Defendant ARCADIS denies the allegations contained in Paragraph 213 of the Complaint insofar as said allegations are directed against it.

**E. THE CONDUCT OF THE ENTERPRISE IS PROHIBITED "RACKETEERING ACTIVITY".**

214. Defendant ARCADIS denies the allegations contained in Paragraph 214 of the Complaint insofar as said allegations are directed against it.

**a. THE PATTERN OF RACKETEERING ACTIVITY VIOLATED N.J.S.A.2C:21-16.**

215. Defendant ARCADIS makes no response to the allegations contained in Paragraph 215 of the Complaint as said allegations call for a legal conclusion.

216. Defendant ARCADIS denies the allegations contained in Paragraph 216 of the Complaint insofar as said allegations are directed it.

**b. THE PATTERN OF RACKETEERING ACTIVITY VIOLATED 2C:21-7(A)(d)**

217. Defendant ARCADIS makes no response to the allegations contained in Paragraph 217 of the Complaint as said allegations call for a legal conclusion.

218. Defendant ARCADIS makes no response to the allegations contained in Paragraph 218 of the Complaint as said allegations call for a legal conclusion.

219. Defendant ARCADIS denies the allegations contained in Paragraph 219 of the Complaint insofar as said allegations are directed against it.

220. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 220 of the Complaint.

221. Defendant ARCADIS denies the allegations contained in Paragraph 221 of the Complaint insofar as said allegations are directed against it.

222. Defendant ARCADIS is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 222 of the Complaint.

**c. THE PATTERN OF RACKETEERING ACTIVITY  
VIOLATED 18 U.S.C. §§ 1341 AND 1343.**

223. Defendant ARCADIS makes no response to the allegations contained in Paragraph 223 of the Complaint as said allegations call for a legal conclusion.

224. Defendant ARCADIS makes no response to the allegations contained in Paragraph 224 of the Complaint as said allegations call for a legal conclusion.

225. Defendant ARCADIS denies the allegations contained in Paragraph 225 of the Complaint insofar as said allegations are directed against it.

226. Defendant ARCADIS denies the allegations contained in Paragraph 226 of the Complaint insofar as said allegations are directed against it.

227. Defendant ARCADIS denies the allegations contained in Paragraph 227 of the Complaint insofar as said allegations are directed against it.

228. Defendant ARCADIS denies the allegations contained in Paragraph 228 of the Complaint insofar as said allegations are directed against it.

229. Defendant ARCADIS denies the allegations contained in Paragraph 229 of the Complaint insofar as said allegations are directed against it.

230. Defendant ARCADIS denies the allegations contained in Paragraph 230 of the Complaint insofar as said allegations are directed against it.

F. THE PATTERN OF RACKETEERING ACTIVITY  
PROXIMATELY RESULTED IN HARM TO  
EDGEWOOD.

231. Defendant ARCADIS makes no response to the allegations contained in Paragraph 231 of the Complaint as said allegations call for a legal conclusion.

232. Defendant ARCADIS denies the allegations contained in Paragraph 232 of the Complaint insofar as said allegations are directed against it.

b. 233. Defendant ARCADIS denies the allegations contained in Paragraph 233 of the Complaint insofar as said allegations are directed against it.

234. Defendant ARCADIS denies the allegations contained in Paragraph 234 of the Complaint insofar as said allegations are directed against it.

235. Defendant ARCADIS denies the allegations contained in Paragraph 235 of the Complaint insofar as said allegations are directed against it.

236. Defendant ARCADIS makes no response to the allegations contained in Paragraph 236 of the Complaint as said allegations call for a legal conclusion.

**PRAYER FOR RELIEF**

WHEREFORE, defendant ARCADIS U.S., Inc. respectfully requests judgment in its favor, an Order dismissing the Complaint in its entirety, attorneys' fees and costs, and any such further relief the Court deems just and proper.

BEVERIDGE & DIAMOND, P.C.  
Attorneys for Defendant ARCADIS U.S., Inc.



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CHRISTOPHER J. MCKENZIE, ESQ.

Dated: December 11, 2009

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The Complaint, in whole or in part, fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

Plaintiff's claims are barred by the applicable statute or statutes of limitations, or other applicable law, rule, statute or regulation controlling or requiring the institution of suit within a certain period of time following their accrual.

**THIRD DEFENSE**

Plaintiff's claims against ARCADIS are barred by the doctrines of laches, estoppel, unclean hands, or other equitable defenses.

**FOURTH DEFENSE**

Plaintiff has waived its claims.

**FIFTH DEFENSE**

Any alleged injuries or damages allegedly sustained were caused in whole or in part by the sole, contributory and/or comparative negligence and/or acts or omissions of parties over whom ARCADIS exercised no control or responsibility.

**SIXTH DEFENSE**

Any alleged injuries or damages were not the proximate result of any alleged conduct, acts or omissions of ARCADIS.

**SEVENTH DEFENSE**

Any alleged injuries or damages were caused by the unforeseeable, superseding or intervening acts of third parties over whom ARCADIS had no control or responsibility.

**EIGHTH DEFENSE**

ARCADIS neither owned, operated nor asserted any control over any hazardous wastes from or the property occupied by the Ford plant in Edison, New Jersey, and is, therefore, not responsible for any allegedly hazardous substances that may have been stored or disposed of on the property or elsewhere.

**NINTH DEFENSE**

Plaintiff's claims are limited and/or barred to the extent Plaintiff has failed to join all interested, required, necessary and/or indispensable parties.

**TENTH DEFENSE**

At all times, ARCADIS acted with due care, complied with all applicable laws, regulations and standards, and conducted itself reasonably and prudently under the circumstances.

**ELEVENTH DEFENSE**

The liability of ARCADIS, if any, must be reduced by the percentages of liability and/or contributions to the alleged harm caused by other defendants to this litigation and/or unnamed parties.

**TWELFTH DEFENSE**

Plaintiff's own negligence or misconduct resulted in the damages it now seeks to recover from ARCADIS.

**THIRTEENTH DEFENSE**

Plaintiff's claims against ARCADIS are arbitrary and capricious.

**FOURTEENTH DEFENSE**

Plaintiff's alleged damages or injuries, if any, were not caused by ARCADIS.

**FIFTEENTH DEFENSE**

ARCADIS did not breach any duty owed to Plaintiff.

**SIXTEENTH DEFENSE**

ARCADIS had no duty to Plaintiff and could not reasonably foresee the risk of damages or injuries to Plaintiff.

**SEVENTEENTH DEFENSE**

The damages sought by Plaintiff are too speculative to fairly calculate.

**EIGHTEENTH DEFENSE**

The damages Plaintiff seeks, if awarded, would result in unjust enrichment to Plaintiff.

**NINETEENTH DEFENSE**

Plaintiff's claims are barred to the extent that Plaintiff assumed the risk.

**TWENTIETH DEFENSE**

If it is determined that ARCADIS engaged in any of the activities alleged in the Complaint, which ARCADIS denies, such activities were *de minimis* or *de micromis* and not the cause of any damages or injuries alleged to have been sustained by Plaintiff.

**TWENTY-FIRST DEFENSE**

ARCADIS adopts and incorporates herein all Defenses raised by any of the other parties to this action, except to the extent that such defenses would shift liability to ARCADIS.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

ARCADIS reserves the right to apply to the Court for the award of counsel fees, costs and sanctions pursuant to the Federal Rules of Civil Procedure, the inherent power of the Court and the New Jersey Frivolous Pleading Statute, N.J.S.A. 2A:15-59.1 *et seq.*

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by the doctrine of economic loss.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

ARCADIS hereby gives notice that it intends to rely upon any other defense that may become available or appear during the proceedings in this case and hereby reserves its right to amend its Answer and Defenses to assert any such defense. ARCADIS also reserves its right to assert other and related defenses as may become available in the event of a determination that the causes of action described in the Complaint or some portions thereof are governed by the substantive law of a jurisdiction other than the State of New Jersey.

**PRAYER FOR RELIEF**

WHEREFORE, ARCADIS respectfully requests that the Court enter judgment in its favor that:

1. the Complaint be dismissed with prejudice;
2. Judgment be entered in favor of ARCADIS U.S., Inc. as to all counts;
3. ARCADIS be awarded attorneys' fees and costs;
4. ARCADIS be awarded such other and further relief as the Court deems just and proper.

**COUNTERCLAIM FOR INDEMNIFICATION AND CONTRIBUTION**

1. ARCADIS incorporates fully herein by reference all of the foregoing paragraphs of the Answer as if fully set forth in this section.
2. Plaintiff's own negligence caused in whole or in part the injuries and/or damages that it alleges it sustained.
3. Without admitting liability herein, ARCADIS hereby claims indemnification from Plaintiff, jointly and severally.
4. Without admitting liability herein, ARCADIS hereby claims contribution from Plaintiff, jointly and severally.

WHEREFORE, ARCADIS seeks complete and full contribution and indemnification from Plaintiff, jointly and severally, including costs of suit and the defense of this matter.

**DESIGNATION OF TRIAL COUNSEL**

Defendant ARCADIS designates Christopher J. McKenzie, Esq., and Beveridge & Diamond, P.C., as its trial counsel pursuant to Local Rule 4:25-4.

BEVERIDGE & DIAMOND, P.C.  
Attorneys for Defendant  
ARCADIS U.S., Inc.

By   
CHRISTOPHER J. MCKENZIE

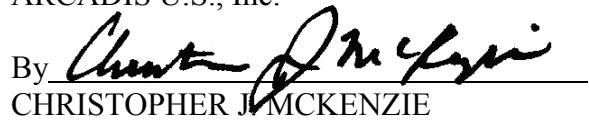
Dated: December 11, 2009

**CERTIFICATION PURSUANT TO L.CIV.R. 11.2**

I hereby certify that the within matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administration proceeding.

I hereby certify that the foregoing statement made by me is true. I am aware that if the foregoing statement made by me is willfully false, I am subject to punishment.

BEVERIDGE & DIAMOND, P.C.  
Attorneys for Defendant  
ARCADIS U.S., Inc.

By   
CHRISTOPHER J. MCKENZIE

**CERTIFICATE OF SERVICE**

I, CHRISTOPHER J. MCKENZIE, being over 18 years of age and not a party to this action, certify as follows:

1. I am an attorney at law of the State of New Jersey, a member of the bar of this Court, and a member of the law firm of Beveridge & Diamond, P.C., attorneys for Defendant, ARCADIS U.S., Inc. ("ARCADIS"), in the within matter.
2. On December 11, 2009, I arranged for the electronic filing of ARCADIS's Answer to the Complaint in the above-captioned action.
3. On December 11, 2009, a copy of ARCADIS's Answer to the Complaint was served upon all counsel of record via Electronic Filing.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



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CHRISTOPHER J. MCKENZIE

Dated: December 11, 2009